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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
v.
EDGAR RENE HUIZAR,
Defendant.

No. CR 07-0157 MHP

~~PROPOSED~~ ORDER AND
STIPULATION CONTINUING HEARING
AND EXCLUDING TIME FROM JUNE
11, 2007 TO ~~AUGUST 20, 2007~~ FROM AUGUST 27/07
THE SPEEDY TRIAL ACT
CALCULATION (18 U.S.C.
§ 3161(h)(8)(A) & (B)(iv))

On June 11, 2007, the parties appeared before Your Honor. At that time, this Court set a new plea and sentence date of July 16, 2007, in order to give defense counsel an opportunity to obtain from the government and review further discovery in the case. This Court excluded time from June 11, 2007, through July 16, 2007 based on the need for effective case preparation. Although the government promptly requested from the investigative agency the discovery requested by the defendant, the government has not yet received that discovery. As a result, the defendant has not yet had an opportunity to review the discovery. Based on these developments, and with the consent of the defendant, the parties hereby request that this Court enter this order (1) vacating the current plea and sentencing date of July 16, 2007, and scheduling a change of

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plea and sentencing date on August 6, 2007, before your Honor; and (2) documenting the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A) & (B)(iv), from June 11, 2007, to August ²⁷~~20~~, 2007. The parties stipulate as follows:

1. The parties agree to an exclusion of time under the Speedy Trial Act, from June 11, 2007 to August ²⁷~~20~~, 2007. Failure to grant the requested continuance would unreasonably deny both government and defense counsel reasonable time necessary for effective case preparation because the parties are still engaged in discovery, case discussions, and plea negotiations. The parties are awaiting further discovery in the case from the investigative agency, and require additional time to receive and review that discovery.

2. On June 11, 2007, this Court found that the ends of justice served by excluding the period from June 11, 2007 to July 16, 2007 outweighed the best interest of the public and the defendant in a speedy trial. See 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

3. Accordingly, and with the consent of the defendant, the Court ordered that the period from June 11, 2007 to July 16, 2007 be excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

4. Due to the aforementioned delay in receiving the sought-after discovery, time should be excluded from July 16, 2007 to August ²⁷~~20~~, 2007, on the same basis.

IT IS SO STIPULATED.

DATED: July 11, 2007

/s/
ERIKA R. FRICK
Assistant United States Attorney

DATED: July 12, 2007

/s/
RON TYLER
Attorney for Edgar Rene Huizar

IT IS SO ORDERED.

DATED: July 17, 2007



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